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Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

June 11, 1984

Ms. Suzanne de Berge, Chairperson
Arizona State Veterinary Medical
Examining Board
1645 West Jefferson
Room 312
Phoenix, Arizona 85007

Re: I84-080 (R84-035)

Dear Ms. de Berge:

You have asked whether the administration of animal vaccines by non-veterinarians employed by retail establishments selling such vaccines constitutes the unauthorized practice of veterinary medicine. We conclude that it does.

Ordinarily, the administration of any drug, medicine, or treatment for the cure, amelioration, correction or modification of any animal disease "for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly" constitutes the practice of veterinary medicine and must be performed by a licensed veterinarian, A.R.S. § 32-2231.A.4. However, A.R.S. § 32-2211 provides:

This Chapter shall not apply to:

* * *

... 2. A person treating an animal belonging to himself or his employer while in the regular service of such employer, or the animal of another without compensation therefor. Animals consigned by their legal owner for feeding or care consignment livestock operations shall be considered to be the property of the consignee.

An unlicensed person who treats animals, including the administration of medicines, within the scope of this statutory limitation is exempt from licensing requirements and would not be deemed, while acting in such limited capacity, to be performing acts

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which constitute the unauthorized practice of veterinary medicine.

To the extent that a non-licensed person administers vaccine to an animal not his own or his employer's for indirect or direct fee or compensation, and assuming that the other exceptions from licensing do not apply (See A.R.S. § 32-2211 and A.R.S. § 32-2231.B), that person is practicing veterinary medicine without a license. Obviously, if the retail establishment selling such vaccines charges a fee for administering the vaccines or otherwise includes the cost of administering in the sale price, the establishment is in violation of the veterinary licensing statute.

Moreover, even if the establishment does not charge an additional fee for administration, the convenience of having someone administer the vaccines is of some value to the consumer and, therefore, enters into the purchasing decision. Thus a benefit accrues to the retail vendor as the result of having a person on the premises to administer the vaccine. Inasmuch as the retail establishment's administration of the vaccine is part of the bargained for exchange in any sale of the vaccine, the administration is done for compensation within the meaning of A.R.S. §§ 32-2211 and 32-2231.A.4.

In summary, the administration of animal vaccines by non-veterinarian employed by retail establishments which sell such vaccines constitutes the unauthorized practice of veterinary medicine.

Sincerely,



BOB CORBIN
Attorney General

BC:NEO:LED:mch

Arizona State Veterinary Medical Examining Board



1645 W. JEFFERSON - ROOM 312
PHOENIX, ARIZONA 85007
602-255-3095

February 27, 1984

R84- 035

Opre
2-29-84

The Honorable Bob Corbin
Attorney General of Arizona
1275 W. Washington
Phoenix, AZ 85007

Dear Mr. Corbin:

The Arizona State Veterinary Medical Examining Board has received several complaints about the following situations:

- o Retail establishments, including pharmacies, pet supply stores, ranch or farm supply stores, and grocery stores are offering animal vaccines for sale over the counter.
- o Consumers may be offered the service of administration of such vaccines by non-veterinary personnel employed by these retail establishments.
- o An administration fee may or may not be charged, or may or may not be included in the purchase price of the vaccine.
- o Administration of the vaccine is neither pursuant to a referral from nor in conjunction with the consultation of a veterinarian.

Our Board would characterize administration of vaccines to animals by persons other than owners as unauthorized practice of veterinary medicine. It is our belief that the veterinary statutes accord to veterinarians the exclusive privilege of treating any animal infirmity.

We respectfully request an opinion from your office on whether the administration of animal vaccines by non-veterinarians employed by retail establishments selling such vaccines constitutes unauthorized practice of veterinary medicine.

Sincerely,

Suzanne de Berge
Suzanne de Berge
Chairperson

SdB/vlc/clf